

# EXHIBIT A

Jolene Smith  
c/o Sabatini Freeman, LLC  
216 N Blakley Street  
Dunmore, PA 18512

Plaintiff

American Coradius International, LLC  
2420 Sweet Home Road, Suite 150  
Amherst, NY 14228

LVNV Funding, LLC  
55 Beattie Place, Suite 110  
Greenville, SC 29601

Defendants

Court of Common Pleas of Wayne County  
- Civil Action

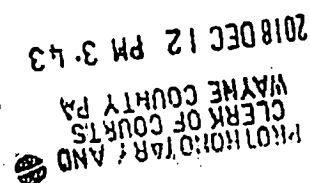
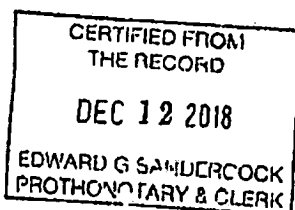
Case No 193-CV-2018

July Trial Demanded

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claim set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED RATE OR NO FEE.

North Penn Legal Services  
925 Court Street  
Honesdale, PA 18431  
(877) 515-7465



Jolene Smith,

Plaintiff

Court of Common Pleas of Wayne County  
- Civil Action

Case No 593-CV-2018

American Coradius International, LLC,  
LVNV Funding, LLC,

Defendants

Jury Trial Demanded

### COMPLAINT

#### **I. Introduction**

1 This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U S C § 1692, *et seq* ("the Act") which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices

#### **II. Jurisdiction**

2 Jurisdiction of this Court is proper pursuant to 15 U S C § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction

3 Venue in this district is proper in that Defendants transact business here and the conduct complained of is alleged to have occurred here

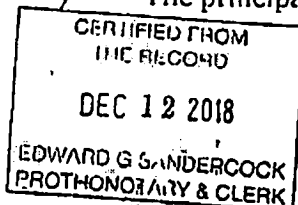
#### **III. Parties**

4 Plaintiff, Jolene Smith, is a natural person who resided in Wayne County at all relevant times

5 Defendant, American Coradius International, LLC ("ACI"), is a limited liability corporation with a place of business located at 2420 Sweet Home Road, Suite 150, Amherst, NY 14228

6 ACI regularly uses the mail in its business

7 The principal purpose of ACI's business is the collection of debts



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CLERK OF COURTS  
WAYNE COUNTY, PA

8. ACI has reason to believe that a non-trivial portion of the accounts that it collects are for obligations for which the money, property, insurance, or services which were the subjects of the transactions were primarily for personal, family, or household purposes.

9 ACI does have reason to believe that it is probably true that the principal purpose of its business is the collection of "debt" as defined by 15 U.S.C. § 1692a(5)

10. The principal purpose of ACI's business is the collection of "debt" as that term is defined by 15 U.S.C. § 1692a(5)

11 ACI regularly attempts to collect debts asserted to be due to another. The term "debt" is used in this allegation as that term is defined by 15 U.S.C. § 1692a(5).

12. ACI's website asserts that ACI has "over 29 years experience resolving consumer debt." <http://www.americanconsumerinternational.com/>

13 ACI is a "debt collector" as defined by the Act, 15 U.S.C. § 1692a(6).

14 Defendant LVNV Funding, LLC ("LVNV") is a limited liability corporation engaged in the business of collecting debts in this state with a place of business located at 55 Beattie Place, Suite 110, Greenville, SC 29601 and is a "debt collector" as defined by the Act, 15 U.S.C. § 1692a(6).

15 LVNV uses the mails in its business.

16. LVNV buys defaulted debts.

17 In 2018, LVNV filed lawsuits seeking to collect from consumers millions of dollars of debts that LVNV had purchased.

18 The principal purpose of LVNV's business is the collection of debts

#### IV. Statement of Claim

19 Within the past year ACI was attempting to collect an account that Plaintiff allegedly owed to LVNV Funding, LLC ("the Account")

20 The Account is a "debt" as that term is defined by the Act, 15 U.S.C. § 1692a(5)

21 On or about December 12, 2017, ACI caused to be mailed a letter addressed to Plaintiff.

22. A true and correct copy of the letter is attached as Exhibit A (Redacted to ensure financial privacy).

23 The letter was an attempt to collect the Account.

24. A collection letter is viewed from the perspective of the least sophisticated consumer

25 If the least sophisticated consumer could give two different meanings to ambiguous language, and if one of those meanings is inaccurate, then the letter is deceptive

26 Here the collection letter stated, *inter alia*

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. .

27 This language would convey to a consumer that the consumer could orally exercise his rights to lodge a dispute and thereby prevent the debt collector from assuming that the debt is valid

28 However, an oral dispute is "not a legally effective alternative for disputing the debt " *Caprio v HRRG, LLC*, 709 F.3d, 142, 151 (3d Cir 2013)

29 The excerpted language quoted in ¶ 26 above omits a portion of the letter

as indicated by the ellipses That omitted language *did* notify the consumer that the consumer *must* dispute the debt in writing if she wished to receive a written copy of (a) verification of the debt, (b) a judgment, or (c) the name and address of the original creditor

30. However, a consumer who did not care to receive this written information, and who instead only wished to dispute the validity of the debt, could believe that an oral dispute would be the fastest and simplest way to accomplish that goal

31 15 U.S.C. § 1692g(a) requires a debt collector to notify a consumer of his dispute rights within five days of the first communication with the consumer in connection with the collection of the debt

32. The letter does not effectively convey to the consumer the information required by § 1692g.

33. By failing to indicate that the dispute must be in writing, the notice violates the Act. *Guzman v HOVG, LLC*, 2018 WL 5631096 at \*5 (E.D. Pa. October 31, 2018.)

34 LVNV was the owner of the Account at the time of the aforementioned collection activity and enlisted ACI to collect the Account.


35 At all times relevant hereto, ACI was acting on behalf of and as an agent of LVNV in attempting to collect a consumer debt allegedly owed to LVNV.

36. LVNV is directly and vicariously liable for the conduct of ACI in attempting to collect a debt allegedly owed by Plaintiff.

37. As a result, Defendants violated the Act, 15 U.S.C. § 1692g

WHEREFORE, Plaintiff demands judgment against Defendants for damages, costs, attorney's fees, and such other and further relief as the Court deems just and

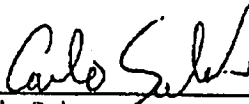
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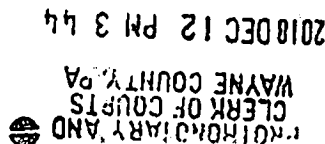
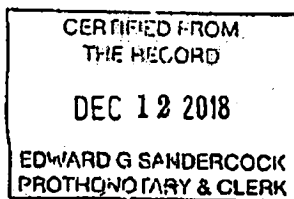
Carlo Sabatini  
Bar Number PA 83831  
Attorney for Plaintiff  
Sabatini Freeman, LLC  
216 N Blakely St  
Dunmore, PA 18512  
Phone (570) 341-9000

**Certification of Compliance**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents



Carlo Sabatini



## **Exhibit A**

**(Letter dated December 12, 2017)**



35A RUST LANE  
BOERNE, TX 78006-8202



American Coradius International LLC  
Toll Free: 1-855-224-5186

December 12, 2017

1 MB A-02-FA6-AM-01242-6

JOLENE SMITH  
341 HONSDALE RD  
WAYMART PA 18472-8339

**Make Checks Payable to:**

AMERICAN CORADIUS INTERNATIONAL LLC  
2420 SWEET HOME RD STE 150  
AMHERST NY 14228-2244

<b>Creditor:</b>	LVNV FUNDING LLC
<b>Original Creditor:</b>	CREDIT ONE BANK, N A
<b>Account Number:</b>	XXXXXXXXXXXX
<b>Reference Number:</b>	
<b>Account Balance:</b>	\$891.85
<b>Amount Remitted:</b>	\$

PLEASE DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT IN THE ENVELOPE PROVIDED

Creditor	Original Creditor	Account #	Account Balance
LVNV FUNDING LLC	CREDIT ONE BANK, N.A.	XXXXXXXXXXXX	\$891.85

Dear Jolene Smith

We are writing to you regarding your LVNV FUNDING LLC account. This account has been placed with our office for collection. Your balance as of the date on this letter is \$891.85.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

At this time American Coradius International LLC, is willing to accept \$588.63 to resolve the account for less than the full balance. This offer requires that American Coradius International LLC receives your funds in the amount of \$588.63 on or before 01/26/2018. If you wish to discuss this offer, please contact our office at 1-855-224-5186 at your convenience.

Upon clearance of your payment, we will notify our client so they can update their records accordingly.

Make your check or money order payable to:  
AMERICAN CORADIUS INTERNATIONAL LLC  
2420 SWEET HOME RD STE 150  
AMHERST NY 14228-2244

Please note that our request for payment does not affect your right to dispute this debt. We are not obligated to renew this offer.

Sincerely,

American Coradius International LLC  
A Professional Debt Recovery Agency

This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.

Calls to or from this company may be monitored or recorded for quality assurance purposes.

For your convenience you can now resolve this matter online. Logon to [www.acibillpay.com](http://www.acibillpay.com) to see the repayment options available to you.  
You will need your ACI reference number [redacted] available when you log in.  
You can now make payment arrangements on your account using checking, savings, or debit card accounts.

Office Address: 2420 Sweet Home Rd Ste 150, Amherst NY 14228-2244  
Hours of Operation: Mon-Tues: 8AM-6PM, Wed-Fri: 8AM-5PM, Sat: 8AM-12PM EST